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Attorneys for
SEQUOIA INSURANCE COMPANY
in its capacity as liability insurer for
DEFENDANT THE ESTATE OF JOSEPH AGGIO, deceased

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VALENTI AGGIO, DOROTHY L. AGGIO
and LIVIO J. AGGIO,

Plaintiffs,

v.

ESTATE OF JOSEPH AGGIO, deceased,

Defendant.

No. C 04 4357 PJH

**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND COMPLAINT**

Plaintiffs Valenti Aggio, Dorothy L. Aggio and Livio J. Aggio ("Plaintiffs") and Sequoia Insurance Company, on behalf of the Estate of Joseph Aggio ("Defendant") hereby stipulate to the filing of Plaintiffs' proposed First Amended Complaint, attached to this Stipulation and Proposed Order as Exhibit A. It is acknowledged by the parties, that in so stipulating the Defendant does not waive or in any way prejudice its right to later challenge, by way of motion or otherwise, any of the causes of action set forth in the proposed First Amended Complaint.

Defendant's responsive pleading, if any, shall be filed within 30 days of service of the First Amended Complaint.

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The parties hereby stipulate to take Defendant's Motion to Dismiss and Plaintiffs' Motion

STIP AND ORDER TO ALLOW PLAINTIFFS' LEAVE
TO AMEND COMPLAINT (Case No. C 04 4357)

1 for Leave to Amend the Complaint, along with the hearing date of Wednesday, July 6, 2005 off
2 calendar. The parties further stipulate that there will be no additional briefing submitted for either
3 of these motions.
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6 DATED: June 3, 2005

FARELLA BRAUN & MARTEL LLP

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8 By: Louise A. Warren
Louise A. Warren
9 Attorneys for Plaintiffs
10 VALENTI AGGIO, DOROTHY L. AGGIO
11 and LIVIO J. AGGIO
12

13 DATED: June 4, 2005

ARCHER NORRIS

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15 By: Rand L. Chritton
16 Rand L. Chritton
17 Attorneys for Defendant,
18 Sequoia Insurance Company, on behalf of the Estate
19 of Joseph Aggio
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21 IT IS SO ORDERED that Plaintiffs may file the attached First Amended Complaint.
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23 DATED this 16 day of June, 2005.

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25 Phyllis J. Hamilton
HONORABLE PHYLLIS J. HAMILTON
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